

REMARKS/ARGUMENTS

In the Claims:

Claims 1-5, 11, and 27-31 are in this application.

Claims 6-10 and 12-26 have been canceled. Claims 1-3, 11, and 28 are currently amended. Claim 31 is new.

Claim Objections

Claims 1-3, 11, and 27-30 were rejected under 35 U.S.C. 102(b) as being anticipated Pan (US 4,983,250). (Office Action at Page 2).

Independent claims 1 and 11 are currently amended. The cited reference does not disclose all of the elements as claimed. In particular, independent claims 1 and 11 have been amended to include a portion of the first material ablating into a plasma. The Examiner's assertion regarding claim 28 in the Office Action that "it should be inherent that such laser beam causes the first material 18 and the second material 16 to ablate into a plasma," is not supported by the prior art and should be withdrawn. Pan discusses only local interdiffusion (Pan, column 3, lines 31-36). In contrast, "[t]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'" (MPEP, § 2100, page 52, citing *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). Therefore, independent claim 1 and 11 are not anticipated by Pan.

Claims 2-5 and 27-30 depend from independent claim 1 and claim 31 depends from independent claim 11. Based at least in part on their dependencies, claims 2-5, 27-30, and 31 are also patentable over Pan.

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pan in view of Mori et al. (US 5,821,627) (hereinafter "Mori").

Claim 4 depends from independent claim 1. As discussed, amended claim 1 is patentable over Pan. Mori discusses solid-phase diffusion bonding (Mori, Abstract). Mori fails to cure the deficiency of Pan with respect to claim 1. Based at least in part on its dependency, claim 4 is not rendered obvious by Pan and Mori.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pan.

Claim 5 depends from independent claim 1. As discussed, claim 5 is not rendered obvious by Pan based at least in part on its dependency to claim 1.

Conclusion:


Applicant respectfully submits that claims 1-5, 11, and 27-31 are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 02-2666. A Fee Transmittal is enclosed in duplicate for fee processing purposes. The Examiner is invited to call Paul Mendonsa at (503) 439-8778 if there remains any issue with allowance of this case.

Respectfully submitted,

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